

REGULATION ON ACCESS TO AND EXERCISE OF SPACE ACTIVITIES

PREAMBLE

1. Decree-Law 16/2019 of 22 January (DLSA) establishes the regime of access to and exercise of space activities, with a view to regulating the exercise of space activities subject to the responsibility, authorisation and supervision of the Portuguese Republic, in accordance with the international obligations to which it is bound; facilitating and promoting access to and exercise of space activities to any operators established in Portugal and from Portuguese territory; ensuring that space activities comply with international principles for the use of outer space, especially its peaceful use; and protecting the political and strategic interests of the Portuguese Republic, ensuring that private space activities are not contrary to them.
2. The DLSA also establishes the legal framework for the regulation, supervision and monitoring of space activities, which is the responsibility of the Space Authority, without prejudice to the powers of the Azores and Madeira Autonomous Regions referred to in Article 27 of the DLSA. The powers and responsibilities of the Space Authority, as provided for in Article 30 of the DLSA, are exercised, albeit temporarily, by the National Communications Authority (ANACOM).
3. As such, under article 22 (1) (e) and Article 30 of the DLSA, it is incumbent upon ANACOM, as the Space Authority, to approve the regulations referred to in articles 5, 7, 8, 16 and 17, within 180 days from the coming into force of DLSA, as set out in article 29 of said statutory instrument. The regulation provided for in those articles is developed in an aggregated manner, in a single regulation, which facilitates the reading and coordinated interpretation of its constituent rules and the consistent and pragmatic approach to the matters in question, which are interrelated.
4. The regulation takes account of an optimum use of resources and the implementation of simpler, quicker and more effective procedures for access to space activities, in order to decrease administrative burdens on companies and to facilitate access to the greatest number of operators interested in the exercise of space activities in Portugal, while safeguarding at the same time the interests of security, damage prevention and reduction of the environmental impact of these activities.

5. The drafting of rules with some degree of general applicability to licensing aims to give companies greater flexibility when submitting their technical and economic plans, but also defines rigorous procedural requirements that may assist the SA. The latter may request, for this purpose and whenever relevant, collaboration from interested parties in its mission to define licence conditions, in particular with regard to reducing the potential negative effects of space activities on people and property. At the same time, it is envisaged that the elements to be submitted by interested parties for licensing purposes may be developed by means of regulations or instructions.
6. In this context, under the provisions of Article 8 (1) (u), and in accordance with Article 9 (2) (a) and (1) (b) 26 of ANACOM's Statutes, approved by Decree-Law 39/2015 of 16 March, the Board of Directors, after hearing the interested parties as part of the public consultation referred to in article 10 of ANACOM's Statutes, approved the following:

CHAPTER I

General Provisions

Article 1

Purpose

This regulation specifies:

- a) The procedure for granting licences and criteria for assessing the conditions for granting the same for launch and/or return operations and for command and control operations, in accordance with articles 7 and 8 of DLSA;
- b) The procedure for the award of prequalification certificates in the course of space activities, in accordance with Article 5 of the DLSA;
- c) Elements to be registered with the Space Authority concerning space objects, in accordance with article 16 of DLSA;
- d) Requirements to be observed and information to be provided in the scope of the transfer of ownership of space objects, in accordance with article 17 of DLSA.

Article 2

Definitions

1. The definitions contained in Article 3 of the DLSA apply to this Regulation.
2. For the purposes of this Regulation, "Space Authority" (SA) means the Authority provided for in article 21 of DLSA, whose tasks and competences are exercised on a temporary basis by the National Communications Authority - ANACOM, in accordance with article 30 of the same statutory instrument.

Article 3

Electronic media

1. All communications and the submission of or access to documents, namely applications and minutes, certificates and notifications, as well as opinions and other acts provided for in DLSA, in the scope of the exercise of competences of the SA, may take place by electronic media, without prejudice to the access to services through other appropriate means.
2. For the purpose of the preceding paragraph, the SA shall make available a digital platform called "*Portal do Espaço*" (Space Portal), which shall act as a portal aggregating content concerning the access to and exercise of space activities, through which contact may be established with operators and between the diverse competent bodies that participate at this platform.
3. The Space Portal is also accessible through the "ePortugal" Portal at the eportugal.gov.pt site.
4. The Space Portal digital platform guarantees the protection of personal data and of commercially sensitive information contained therein under the law.

Article 4

Support service

The SA provides a support service, which may be accessed through its freephone number and its website, at www.anacom.pt, in order to resolve queries and provide information deemed to be relevant within the scope of its tasks.

CHAPTER II

Licensing of space activities

SECTION I

General Provisions

Article 5

Elements

1. For the purposes of article 6 of DLSA, bodies who wish to obtain a licence for the exercise of space operations shall be required to submit an application to the SA that includes the elements provided for in Section II of this Chapter, as applicable for each type of licence.
2. The elements provided for in Section II of this Chapter may be developed by the SA through regulations or instructions in accordance with Article 22 (1) (e) of the DLSA.

Article 6

Waiver of submission of elements due to prequalification

1. The information contained on a prequalification certificate, granted as provided for in Chapter III, need not be re-submitted for the licensing procedure.
2. The application provided for in Article 5 (1) of this Regulation shall state the number of the prequalification certificate and the elements with which the certificate aims to dispense.
3. The holder of a global licence may be required by the SA to submit the information included in a terminated prequalification certificate, in accordance with article 5 (5 and 6) of DLSA, for the performance of space operations under the global licence. Such space operations may not be performed without written confirmation by the SA that the referred information complies with that statutory instrument, which shall be issued no later than 30 days from the submission of the full information by the operator.

Article 7

Activities outside Portuguese territory

1. This Regulation shall apply *mutatis mutandis* to the licensing of space activities pursued outside Portuguese territory by Portuguese operators or those established in Portuguese territory, in accordance with article 2 (1) (b) and (3) of the DLSA. The submission of information or documentation that is not relevant to these cases may be waived.
2. If the operator carrying out the space activities referred to in Article 2 (1) (b) of the DLSA does not wish to apply for a licence as provided for in Article 4 (3) of the DLSA, it must prove to the SA that it has obtained the appropriate authorisations and that it complies with the law of a state with which the Portuguese Republic has concluded an agreement to ensure compliance with the international obligations to which it is bound.

Article 8

Special regime

1. The SA may determine the shortening of deadlines or the simplification of licensing procedures in the situations provided for in article 8 (4) of DLSA.
2. For the purposes of the preceding paragraph, the interested party shall submit an application to the SA, prior to the licensing application, requesting that a simplified procedure be applied and submitting the elements which attest to the fact that it is covered by one of the situations provided for in article 8 (4) of DLSA.
3. The SA shall decide within 10 days at the most and, where the request is granted, it shall notify the applicant as regards the shortened deadlines and simplified procedures that will be followed for the granting of the licence.

Article 9

Type of licence

1. The application shall indicate the type of licence required as provided for in Article 6 (1) of the DLSA:
 - a) Unitary licence, where a single space operation is concerned, particularly the launch and/or return of a space object, regardless of the payload, or the command and control operation of a space object; or

- b) Global licence, when a series of space operations of the same type is concerned, in particular more than one launch and/or return of space objects, regardless of payload, or the command and control operations of more than one space object.
2. The applicant shall also indicate the deadline and/or number of space operations it intends to carry out.
3. The applicant may apply for the joint licensing of space operations of different types, regardless of whether licences are unitary or global.
4. The applicant shall indicate whether the space operation is contracted on behalf of a third party, its full identification being provided, in accordance with article 10 hereof, and submit evidence of such contractual relationship.
5. In the situation provided for in the preceding paragraph, the applicant shall take full responsibility for the veracity of information submitted to the SA and also for compliance with the conditions and obligations arising from the licence that concern the licensed space activity.

SECTION II

Application

Article 10

Identification of the Applicant

1. The applicant shall provide the SA with elements enabling its full and clear identification, namely:
 - a) Name, address, civil ID number and tax ID number, in the case of natural persons, and trading name, registered office and legal person ID number, in the case of legal persons;
 - b) Composition of its board of directors, administrative or management bodies;
 - c) Elements of identification of its permanent representation in Portugal, where appropriate;
 - d) Contact details for the purpose of general communications and notifications, by post and electronic means.
2. The communication shall also attach the following documents, or equivalent ones, where the applicant is not established in Portugal:
 - a) In the case of a natural person:

- i) Evidence that its activity is registered at the Tax Office; and
 - ii) Curriculum and criminal background certificate.
- b) In the case of a legal person:
 - i) The access code to the permanent certificate, or a simple extract of the up-to-date records at the commercial register;
 - ii) Certificate with elements declared in the Central Effective Beneficiary Register;
 - iii) Curricula of members of the board of directors, administrators and managers, as well as the respective criminal background certificate.
- 3. For the purpose of point d) of paragraph 1, applicants shall not indicate contact details that imply the payment of premium rates.
- 4. The indication of contact details for the purpose of general communications and notifications shall be without prejudice to the additional gathering of contacts for other specific purposes, on the initiative of the SA.

Article 11

Technical, economic and financial capacity

1. The applicant shall demonstrate to the SA that it has the technical, economic and financial capacity required for the space operations it intends to carry out, submitting for this purpose:
 - a) Report with the description of the activities performed over the last 3 years, where appropriate, either directly or jointly with other bodies;
 - b) Business plan for space operations for the foreseeable license period, the respective means of financing being identified;
 - c) For applicants residing or established in Portugal, certificates of good standing or other evidence that the applicant's tax situation is in order, under the law, attesting to the fact that obligations imposed by the tax and social security authorities have been fulfilled;
 - d) Description of human resources and qualified technical personnel, including the number, experience, qualifications and certification of staff able to develop space activities intended to be carried out, as well as the indication of the respective functional responsibility.
2. The applicant shall indicate any subcontractors and the services provided by them as part of the space operation to be licensed, as well as any partnerships with the scientific and technological system.

Article 12

Description of the launcher and of the activity

1. The applicant of a licence for launch and/or return operations shall submit a description of the space object or objects, as well as a description of the activity to be carried out, under the unitary or global licence, or by means of a joint licence.
2. The information to be provided, under the preceding paragraph, shall include the following level of detail as far as the launcher is concerned:
 - a) Designation and model;
 - b) General function;
 - c) Identification of the owner;
 - d) Identification of the manufacturer;
 - e) Technical description, including dimensions, weight (total and fuel), load capacity, type of propulsion system, characterisation of the type and quantity of hazardous, radioactive, explosive or toxic materials, power system, hardware and software control systems, flight safety system, together with the thrust, altitude and speed performance parameters;
 - f) Description of standards or certification of the launcher and/or its systems and component parts;
 - g) Identification of objects to be launched into space that are part of the payload;
 - h) Identification of equipment and objects on board, as well as their purpose, that are part of the payload, in addition to those referred to in the previous paragraph.
3. The information to be provided under paragraph 1 of this article shall also include the following details regarding the use and operation of the launcher:
 - a) Predicted launch date and site;
 - b) Identification of the launch centre operator;
 - c) Description of the premises and services of the launch centre to be used for the launch;
 - d) Planned nominal flight, including the point of flight at which the carried space object is no longer under the control of the licensee;
 - e) The various flight stages and associated manoeuvres;
 - f) Air corridors to be used;
 - g) Technical characteristics of the launcher's radiocommunication stations;
 - h) Information about the re-entry of stages.

4. The information to be provided pursuant to items g) and h) of paragraph 2 of this article shall include the following details:
 - a) Designation;
 - b) Physical dimensions, particularly weight;
 - c) Owner(s) of the payload and command and control operator, where applicable and different;
 - d) Planned orbital parameters, including nodal period, inclination, apogee and perigee (whether for parking, transfer or final orbit purposes);
 - e) Hazardous, radioactive, explosive or toxic substances and their quantity;
 - f) Technical characteristics of radiocommunication stations.

Article 13

Description of the space object in space and of the activity

1. The applicant of a licence for command and control operations shall submit a description of the space object or objects, as well as a description of the activity or activities intended to be carried out, under the unitary or global licence or by means of a joint licence.
2. The information to be provided under the preceding paragraph shall include the following level of detail as far as the space object is concerned:
 - a) Designation;
 - b) Physical dimensions, particularly weight;
 - c) Identification of the owner;
 - d) Hazardous, radioactive, explosive or toxic substances and their quantity;
 - e) Whether the object is part of a network with other space objects;
 - f) Whether the space object is already in outer space or is yet to be launched, indicating in this case the launcher, location and launch date.
3. The information to be provided under paragraph 1 above shall also include the following level of detail as far as the command and control operation of the space object is concerned:
 - a) Control mode in outer space;
 - b) Orbital parameters including nodal period, inclination, apogee and perigee (whether for parking, transfer or final orbit purposes) or trajectory;
 - c) Identification of equipment and premises, including the respective location and ownership, used to command and control the space object;

- d) Type of command and control operations foreseeable over the operational life of the space object;
- e) Identification of services to be provided, if applicable, among others, communications, Earth observation, space navigation and research.

Article 14

Space debris mitigation plan

1. Without prejudice to the security plan set out in the next article, the applicant shall submit a plan with elements attesting to the fact that the space operation under consideration guarantees the mitigation of space debris to the greatest possible extent.
2. The space debris mitigation plan may include measures to be implemented to international best practices and principles, especially those provided for in the ISO 24113:2011 standard (Space systems - Space debris mitigation requirements), in the 2007 "IADC Space Debris Mitigation Guidelines", and in "Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space", laid down in UN General Assembly Resolution 62/217, of 22 December 2007.

Article 15

Security plans

1. The applicant shall submit a detailed and substantiated plan, in line with standards issued by the US Federal Aviation Administration (FAA), demonstrating that the space operation is compatible with applicable public security standards, including those relating to public health, physical security of citizens and environmental protection, and that it provides appropriate safeguards against damage to the earth's surface, airspace and outer space.
2. The plan referred to in the preceding paragraph shall contain at least the following if these elements are not safeguarded for the launch centre:
 - a) Identification and description of hazards, as well as the assessment of each risk in terms of their likelihood and severity;
 - b) Risk assessment and management process, on the basis of a quantitative analysis, or where this is found not to be justified and proven not to be possible, on the basis of a qualitative analysis;
 - c) Risk mitigation measures, setting out the priorities between them, as well as the measures required for their implementation;

- d) Operational procedures designed to address accidents suffered by the operator, including strategies for harm reduction and provision of relief to persons directly or indirectly affected.
3. The launch and/or return operator shall also submit an accident investigation plan describing incident and accident reporting procedures for the purposes of article 20 of DLSA.

Article 16

Launch and/or return security plan

1. In the case of a launch and/or return operation, in addition to requirements set out in article 15 hereof, the plan shall in particular include:
 - a) Definition of security measures, including those relating to the launcher operation, associated to the various flight stages, from the lift-off up to the separation of the launcher and the object to be placed on space and the respective final impact;
 - b) Identification of the geographic area where citizens and property could be exposed to a particular risk, as well as security measures aimed at their protection;
 - c) Definition of the launch risk in terms of the foreseeable number of victims, compared to the total number of people exposed to the launch hazard, under paragraph 1 of the preceding article;
 - d) Identification of the geographic area and risks for the environment resulting from falling elements of the space object on the Earth's surface and atmosphere and debris of products of atmospheric and extra-atmospheric combustion;
 - e) Identification of organisational processes and processes for the identification of people that are responsible for the various security aspects and for processes of communication between the launch and/or return operator and the operator at the launch centre, including the definition of the respective responsibilities;
 - f) Description of security systems and procedures that allow the completion of the launch flight.
2. The plan relating to the security of the launch and/or return operation, provided for in the preceding paragraph, shall at least take account of risks deriving from:
 - a) Failure, explosion or collision of the launcher;
 - b) Falling elements that detach from the space object at the launch and/or return stage;
 - c) Controlled or non-controlled return of the launcher or of some of the launcher stages;

- d) Hazardous, radioactive, explosive or toxic substances on board the launcher, where applicable.

Article 17

Command and control security plan

1. In the case of a command and control operation, in addition to the requirements set out in article 15 hereof, the plan shall include, in particular:
 - a) Definition of the levels of security of access to the space object command and control system;
 - b) Security assessment for the orbit of the space object throughout its operational life;
 - c) Assessment of possible collisions with space objects the orbital parameters of which the applicant is aware of in advance.
2. The plan relating to the security of the command and control operation, provided for in the preceding paragraph, shall at least take account of risks deriving from:
 - a) Orbital space debris caused by the space object;
 - b) Intentional destruction of the space object in orbit, including in case of re-entry in the atmosphere;
 - c) Deorbiting manoeuvres and passivation activities.

Article 18

Command and control centre systems and processes

1. The application shall include the necessary information which proves that systems used by the command and control operator fulfil the following requirements:
 - a) Implementation of a quality management system in line with the best current practices for the performance of the space operation under consideration;
 - b) General description of the software and computer systems used for flight control and orbiting management purposes;
 - c) Assessment of systems implemented so that the space object allows the operator, throughout the whole duration of the operation, to receive telemetry data on its status and to send it the necessary instructions, especially for the application of measures related to situations of non-nominal return to the space object's expected status.

2. In the case of decentralised systems, the information referred to in the preceding paragraph will cover the systems and processes between the command and control centre and the subordinate centres.

Article 19

Launch centre systems and processes

1. The applicant shall submit the following elements relating to the launch centre:
 - a) Designation;
 - b) Centre user guide, which shall include, in particular, the elements set out in article 20 hereof, without prejudice to also containing the elements set out in articles 15 and 16 hereof;
 - c) Document that attests to the legal relationship between the applicant and the owner or concessionaire of the centre, or which authorises the applicant to carry out space activities at such centre;
 - d) Certified copy of the competent authority authorisations required for the operation of the launch centre.
 - e) Data relating to the registration of ownership of the launch centre and/or its parts, or another title conferring the right to operate it;
 - f) Elements that attest to the technical capacity of the launch centre, specifically:
 - i. The centre's organisational structure, accompanied by the respective organisational chart;
 - ii. Identification of the head of the centre and respective substitute in his/her absences, with information on the delegated competences and contacts;
 - iii. Identification of the key technical staff with tasks directly related to the centre's operational security, with information on the name, functions, as well as responsibilities;
 - iv. Qualifications and professional experience of the key technical staff;
 - v. Technical staff training programmes and certification systems for the purpose of assessment of competences.
 - vi. General telemetry and remote-control procedures for launches and returns.
2. The applicant is exempt from submitting the elements mentioned in the previous paragraph if it is a launch centre operated by Portuguese public entities or whose operation has been concessioned in Portugal.

Article 20

Launch centre user guide

For the purposes of article 19 (1) (b) hereof, the applicant shall submit the launch centre user guide, which shall include, in particular, the following elements:

- a) General description of the launch centre, including:
 - i) Name;
 - ii) Geographic location;
 - iii) Blueprints of the centre, with information on the diverse facilities and areas and their intended purposes, especially concerning the launch and operations' control centre, and support equipment;
 - iv) Conditions of use of the centre by third parties for the provision of services relating to activities carried out at the launch centre;
 - v) Neighbouring and surrounding areas of the centre and closest towns;
 - vi) Type of launchers that can use the centre;
 - vii) Possibility of the centre being used by more than one launcher at the same time, including the conditions for such use;
 - viii) Air corridors and launch and return space pathways;
 - ix) Ranges of possible launch azimuths for each launch point;
 - x) Any other relevant information relating to the description of the centre.
- b) Launch centre security plan, including, in particular, the procedures and measures concerning:
 - i. Chain of command supporting the centre's security management system;
 - ii. Space object launch and/or return cancellation;
 - iii. Protection of operational personnel and visitors to the launch centre;
 - iv. Access of persons to launch and operation control centre areas, with information, where appropriate, on whether there are different security areas and the type of people with access thereto;
 - v. Protection of critical systems whose disruption causes serious damage to security;
 - vi. Protection of the centre's facilities and operations;
 - vii. Cooperation and coordination with private and public bodies involved in the launch centre operation;
 - viii. Prevention and mitigation of the centre's environmental impacts;

- ix. Safe storage and handling of hazardous substances in the centre;
- x. Archiving and retaining of documents and data and guarantee of their confidentiality and integrity;
- xi. Implementation of the centre emergency plan and activation of warning systems;
- xii. Rescue and firefighting;
- xiii. Investigation of incidents at the centre and of those associated to operations developed at the centre, including procedures for notification and report to the competent authorities.

Article 21

Civil liability insurance

1. For the purposes of article 19 of DLSA, the applicant shall submit evidence of valid civil liability insurance, with the capital and minimum standards required.
2. The insurance mentioned in the preceding paragraph may be waived or its amount may be reduced in the situations provided for in the Administrative Rule referred to in article 19 (3) of DLSA.
3. For the purpose of waiving or reducing the amount of insurance for launch, return or command and control operations and without prejudice to the risk assessment as identified in the security plans, small space objects shall be considered as:
 - a) Launchers capable of launching a cargo with a total payload weighing up to 50 kg, or;
 - b) Space objects subject to command and control with a weight of 50 kg or less.
4. The definition of the criteria for classifying a space operation as low risk for the purposes of Article 19 (3) (d) of the DLSA shall be determined by the SA.
5. The SA shall decide within 10 days at the most whether the space activity is low risk, and the applicant shall submit evidence of the civil liability insurance within 30 days from the SA's decision. The deadline provided for in article 25 (1) hereof shall be suspended from the date of the notification of the SA's decision up to the date when such evidence is submitted.

Article 22

Other authorisations and opinions

1. The applicant shall submit evidence that it holds all authorisations required by the competent bodies for the purpose of the space operation concerned, especially for matters of environmental and radio licensing.
2. Alternatively, the applicant may submit to the SA, together with the application provided for in article 6 hereof, all information and documentation required to obtain other authorisations, being incumbent on the SA to carry out the necessary proceedings before the competent bodies.
3. In the case of a global licence, the SA may authorise the operator to submit the information and documentation required for other authorisations in advance of each operation. The operator shall not be allowed to carry out the space operation without said authorisations.
4. The SA shall seek an opinion from other competent bodies that are relevant to the assessment of the licensing application concerned, especially in the areas of defence, foreign affairs, home affairs, infrastructures, health and environment, within a deadline to be set in the request.
5. Where space activities take place within the Portuguese maritime space, the SA shall obtain prior opinion from the Directorate-General for Natural Resources, Safety and Maritime Services.
6. The SA may order the suspension of the deadline for the decision on the licensing of the space activity concerned in order to comply with the legal deadlines or the deadline set in the application under paragraph 4 above for the granting of authorisations or the issue of opinion by other national authorities.

SECTION III

Granting of the licence

Article 23

Procedure

1. The licence application, including the elements set out in Section of this Chapter or the corresponding prequalification certificates, must be signed:

- a) In the case of a natural person, by the person himself, duly identified, or by his authorised representative, if any, duly identified; or
 - b) In the case of a legal person, by the person itself, duly identified under the law and the articles of association, or on behalf of it, by a person (persons) duly identified in that capacity with powers to perform the act.
2. The application and associated documents shall ideally be submitted via electronic means, through the platform referred to in article 4 hereof, in Portuguese or, alternatively, in the original language, duly authenticated, attaching a translation prepared by a certified translator, without prejudice to the possibility of documents of a technical nature being submitted in a language that is easily understood by the SA.
 3. The applicant shall indicate whether elements supplied in the scope of a licensing procedure include confidential data or commercially sensitive information.
 4. Upon reception of the application, the SA shall acknowledge the receipt, in writing, informing the applicant of:
 - a) The date of entry of the application;
 - b) Process number;
 - c) Identification and contact details of the service handling the process;
 - d) Without prejudice to provisions of the following paragraph, the deadline defined in the law for the final decision, the effects resulting from the lack of a final decision by that date and the applicable means of administrative reaction.
 5. The SA shall also verify whether the application was duly submitted and completed, and if not, the SA shall request the applicant, in writing and in a substantiated manner, to address the existing shortcomings that may not be addressed of its own motion, as well as to provide information deemed to be necessary to assess the application, namely for the purposes of article 7 of DLSA.
 6. The SA may request the applicant, in a duly substantiated manner, on its own initiative or upon the request of a body from which an authorisation or opinion is sought in the scope of the licensing procedure, that elements to be submitted in the scope of Section I of this Chapter are complemented or amended so that requirements for its approval are met.

Article 24

Evaluation criteria

The granting of the licence by the SA shall take into consideration whether the applicant meets requirements set out for licensing purposes in article 7 (1) of the DLSA, including the evaluation of whether the space operation jeopardises internal security and the strategic interests of the Portuguese Republic, and whether it violates its international obligations.

Article 25

Granting

1. The SA shall decide whether to grant or refuse a licence within 90 days of receipt of the full application.
2. The application may only be refused through duly substantiated decisions of the SA and for failure to comply with legal and regulatory requirements.
3. The decision on the application shall be notified, in writing, by the SA to the interested party within 5 days, together with the licence, where the application is granted.
4. In particular, the licence shall contain:
 - a) Holder identification;
 - b) Licence number;
 - c) Issue date;
 - d) Licensed space operations;
 - e) Civil liability insurance policy number, insurance company identification and expiry date;
 - f) Applicable conditions, in particular when the licensed space operation is subject to the subsequent submission of information or documentation;
 - g) Term.
5. The granting of the licence is published on the SA website.

Article 26

Rights and duties of the licence holder

1. The grant of the licence shall confer on its holder the right to carry out the corresponding space operations, under the DLSA, this regulation and the contents of the respective licence.

2. Without prejudice to other duties arising from DLSA and this regulation, the licence holder undertakes to:
 - a) Comply with and abide by international space exploitation principles, namely in terms of space treaties to which the Portuguese Republic is bound, including those concerning the peaceful exploitation, security and mitigation of space debris;
 - b) Register space objects it launches or controls, identifying the respective owner, under article 16 of DLSA;
 - c) Take out the mandatory civil liability insurance required under article 19 of the DLSA, and to maintain it valid, attesting the existence of the insurance policy by 31 January of each calendar year, as provided for in article 19 (2) of the DLSA;
 - d) Predict and duly safeguard against any damage to Earth and outer space, either directly or indirectly, in accordance with applicable national and international obligations;
 - e) Comply with all legal and regulatory provisions in force, as well as with the specific conditions of the licence, including elements submitted under Section II of Chapter II and additional conditions provided for in article 7 (3) of the DLSA, which form part of the licence for all legal purposes;
 - f) Report in a timely, accurate and truthful manner the occurrence of incidents and accidents, in accordance with article 20 of DLSA;
 - g) Comply with obligations relating to supervision and surveillance provided for in article 23 of the DLSA;
 - h) Submit a report to the SA upon completion of each licensed space operation with the description of space activities carried out, mentioning any failures, warnings or risks identified;
 - i) Keep a record of all occurrences of its activity, namely incidents and accidents, and respective investigation, mitigation or correction measures.
3. Operators holding a global licence shall notify the SA in advance of licensed space operations, at least 3 days before the date such operations are expected to take place.

Article 27

Amendment of the licence

1. Any amendment to elements set out in article 10 (1) hereof shall be notified to the SA within 20 days.

2. Any other amendment to the elements submitted under Section II of Chapter II which affect the conditions governing the granting of the licence, in particular as regards the elements contained on the Central Beneficiary Register, the technical, economic or financial capacity of the operator, or to the performance of the space operation as licensed, are subject to authorisation by the SA, and the licence shall be amended accordingly, if necessary.

Article 28

Licence Term

1. The unitary licence is granted for the period of time corresponding to the licensed operation, which must be carried out, after the licence is issued, within a maximum of 5 years for launch and/or return operations and 15 years for command and control operations.
2. The global licence shall be granted, alternatively:
 - a) For a specific number of operations, which must be carried out, after the licence has been issued, within a maximum of 5 years for launch and/or return operations and 15 years for command and control operations;
 - b) For a term to be defined by the SA, regardless of the number of operations of the same type to be carried out, within a maximum of 5 years for launch and/or return operations and 15 years for command and control operations, taking into account what is required by the interested party.
3. Unsuccessful launches count for the purposes of determining the number of launch operations.
4. The licence term may be extended, at the duly justified request of the interested party, up to twice the period initially defined by the SA, in accordance with the preceding paragraphs.

SECTION IV

Licence Transfer

Article 29

Application

For the purpose of article 11 of DLSA, operators who wish to obtain a prior authorisation for the transfer of a licence shall submit an application including:

- a) All elements relating to the demonstration that the transfer of the licence meets the conditions of its granting, especially as regards the identification and the technical, economic and financial capacity of the transferee, and in particular all those described in articles 10 and 11 hereof;
- b) Statement by the transferee that it accepts the transfer of the licence as well as all the respective conditions.

Article 30

Procedure

1. The application and associated documents shall be submitted in Portuguese or, alternatively, in the original language, duly authenticated, attaching a translation prepared by a certified translator, without prejudice to the possibility of documents of a technical nature being submitted in a language that is easily understood by the SA.
2. The applicant shall indicate whether the elements provided under the transfer procedure include confidential data or commercially sensitive information.
3. Upon reception of the application, the SA shall acknowledge the receipt, in writing, informing the applicant of:
 - a) The date of entry of the application;
 - b) Process number;
 - c) Identification and contact details of the service handling the process;
 - d) Without prejudice to provisions of the following paragraph, the deadline defined in the law for the final decision, the effects resulting from the lack of a final decision by that date and the applicable means of administrative reaction.
4. The SA shall also verify whether the application was duly submitted and completed, and if not, the SA shall request the applicant, in writing and in a substantiated manner, to address the existing shortcomings that may not be addressed of its own motion, as well as to provide information deemed to be necessary to assess the application.

5. The SA shall decide on the authorisation or refusal of the transfer within 60 days, and where the transfer is approved, it shall endorse the identification of the transferee in the operator licence.
6. The transfer of the licence is published on the SA website.

Article 31

Transfer

1. The transferee shall be subject to the same duties, obligations and burdens on the transferor, as well as to any others which may be imposed in the transfer authorisation.
2. The authorisation referred to in this article shall expire where the transaction relating to the transfer is not concluded by the deadline set therein.

SECTION V

Licence Termination

Article 32

Grounds for termination

1. Licences shall terminate upon:
 - a) Expiry, under article 13 of DLSA;
 - b) Relinquishment, under article 14 of DLSA;
 - c) Cancellation, under article 15 of DLSA.
2. The termination of the licence is published on the SA website.

CHAPTER III

Prequalification

Article 33

Scope of prequalification

1. Under article 5 (1 and 2) of DLSA, operators shall be entitled to apply for prequalification, intended to establish for licensing purposes:
 - a) That the launch centre operator, the launch and/or return operator and the command and control operator have the technical, economic and financial capacity for the space operations intended to be carried out;
 - b) For the launch centre operator, that the systems and processes implemented comply with the applicable law;
 - c) For the launch and/or return operator and the command and control operator, the characteristics and specifications of the respective space object;
 - d) For the command and control operator, the systems and processes implemented at the command and control centre.
2. The launch centre operator may be prequalified, and the launch and/or return operator may submit the respective certificate within the scope of the licensing procedure.
3. The SA may request the applicant, in a duly substantiated manner, on its own initiative or upon the request of a body from which an authorisation or opinion is sought within the scope of the prequalification procedure, that elements to be submitted within the scope of this Chapter are complemented or amended so that requirements for its approval are met.

Article 34

Application

1. The application for prior qualification shall be accompanied by the elements provided for in Section II of Chapter II hereof, as applicable.
2. The interested party may apply for the issue of a single prequalification certificate relating to several of the elements provided for in the preceding article.

Article 35

Procedure

1. The application for prequalification, including elements provided for in Section II of Chapter II, as appropriate, shall ideally be submitted by electronic means, through the platform referred to in article 4 hereof, and shall be signed:
 - a) In the case of a natural person, by the person himself, duly identified, or by his authorised representative, if any, duly identified; or
 - b) In the case of a legal person, by the person itself, duly identified under the law and the articles of association, or on behalf of it, by a person (persons) duly identified in that capacity with powers to perform the act.
2. The application and associated documents shall be submitted in Portuguese or, alternatively, in the original language, duly authenticated, attaching a translation prepared by a certified translator, without prejudice to the possibility of documents of a technical nature being submitted in a language that is easily understood by the SA.
3. The applicant shall indicate whether elements supplied in the scope of a prequalification procedure include confidential data or commercially sensitive information.
4. Upon reception of the application, the SA shall acknowledge the receipt, in writing, informing the applicant of:
 - a) The date of entry of the application;
 - b) Process number;
 - c) Identification and contact details of the service handling the process;
 - d) Without prejudice to provisions of the following paragraph, the deadline defined in the law for the final decision, the effects resulting from the lack of a final decision by that date and the applicable means of administrative reaction.
5. The SA shall also verify whether the application was duly submitted and completed, and if not, the SA shall request the applicant, in writing and in a substantiated manner, to address the existing shortcomings that may not be addressed of its own motion, as well as to provide information deemed to be necessary to assess the application.

Article 36

Issue of the prequalification certificate

1. The SA shall make its decision to grant or refuse the prequalification certificate within 60 days from reception of the full application, which may be extended for a further 60 days in duly substantiated, highly complex situations.
2. The application may only be refused through duly substantiated decisions of the SA and for failure to comply with legal and regulatory requirements.
3. The decision on the application shall be notified, in writing, by the SA to the interested party within 5 days, together with the prequalification certificate, if the application is accepted.
4. The prequalification certificate shall include, in particular:
 - a) Holder identification;
 - b) Certificate number;
 - c) Issue date;
 - d) Established fact(s).
5. The award of the prequalification certificate is published on the SA website.

Article 37

Updating of information

1. Operators who have obtained a prequalification certificate shall update the information submitted every 3 years, or where any changes to information or elements submitted occur.
2. Where the update of information submitted, under the preceding paragraph, implies amendments to conditions on which the prequalification was based, the SA shall notify the operator to decide whether it intends to open a new prequalification procedure, otherwise the certificate shall be lost.

Article 38

Termination

1. The prequalification certificate shall terminate in accordance with article 5 (5 and 6) of DLSA.

2. In the cases provided for in article 5 (5) (c, d and e) of the DLSA, the prequalification termination shall require the prior notification to the operator, which shall be entitled to decide, in writing, within a deadline to be set by the SA of no less than 10 days.

CHAPTER IV

Registration and transfer of space objects

SECTION I

Registration

Article 39

National Register of space objects

1. For the purposes of article 16 of DLSA, the national register of space objects shall include the following information:
 - a) Responsible launch or return operator;
 - b) Owner of the space object, including full name or company name, address or registered office and contact details;
 - c) Responsible command and control operator;
 - d) Designation of the space object;
 - e) National registration number;
 - f) Frequencies allocated by the competent authorities;
 - g) Date, time (*Coordinated Universal Time – UTC – or Greenwich Mean Time – GMT*) and launch territory or site;
 - h) Basic orbital parameters, including nodal period, inclination, apogee and perigee, as well as whether such parameters correspond to the operational or final orbit or trajectory;
 - i) General function of the space object;
 - j) Other launching State(s);
 - k) Other registers (for example, *COSPAR International Designator*);
 - l) Launch vehicle, including the identification of relevant inert parts and operational parts.
2. The national register of space objects shall also include the following information:

- a) Transfer of ownership of any space objects registered in Portugal, the launch, return and command and control of which is carried out by operators licensed under DLSA;
- b) Change of the launch or return operator or of the command and control operator responsible for the space object, resulting from the transfer of the corresponding licence;
- c) Any serious incident or accident suffered by the space object;
- d) End of the operational life of the space object operated and controlled by a command and control operator licensed in Portugal.

Article 40

Registration of transfer of ownership or of operator

1. The registration of the transfer of ownership of space objects, under point a) of paragraph 2 of the preceding article, shall be undertaken by the transferor, the following elements being required:
 - a) Register number of the space object whose ownership is transferred;
 - b) Identification of the transferee, with information on the name or trading name, address or registered office, share capital and contact details;
 - c) Duly documented, effective date of transfer of the space object;
 - d) Amendments to other data declared in the register, namely changes to orbital parameters or functions of the space object;
2. The registration of the change of launch or return operator or of the command and control operator, under article 39 (2) (b) hereof, shall be undertaken by the operator ceasing that operation, the following elements being required:
 - a) Space object registration number;
 - b) Identification of the new launch or return operator or of the command and control operator, with information on the name or trading name, address or registered office, share capital and contact details;
 - c) Effective date of transfer of space operations;
 - d) Amendments to other data declared in the register, namely changes to orbital parameters or functions of the space object;
 - e) Authorisation for licence transfer granted by the SA, under article 11 of DLSA.

Article 41

Registration of accidents and of end of operational life

1. The registration of any serious incident or accident suffered by the space object, under article 39 (2) (c) hereof, shall be undertaken by the operator responsible, the following elements being required:
 - a) Space object registration number;
 - b) Date and time (UTC or GMT) when the serious incident or accident occurred;
 - c) Description of the serious incident or accident, including the type or cause of the incident or accident, the damage sustained by the space object and the consequences of such damage;
 - d) Amendments to information declared on the register resulting from the serious incident or accident, especially changes to orbital parameters or functions of the space object;
 - e) Territory and site where the serious incident or accident occurred.
2. The registration of the end of the operational life of a space object operated and controlled by a command and control operator licensed in Portugal shall be undertaken by the respective operator, the following elements being required:
 - a) Space object registration number;
 - b) Changes in the status of the command and control operation (UTC or GMT date and time), particularly resulting from the performance of the last deorbiting manoeuvres and passivation activities, loss of control of the space object and start of the return to Earth or full disintegration of the space object in the atmosphere.

Article 42

Additional elements for registration purposes

The SA may determine the obligation to make available elements other than those provided for in articles 39, 40 and 41 hereof, including those required for compliance with international standards or resolutions.

Article 43

Procedure

1. For the purposes of the registration with the SA, the responsible operator shall submit the information within 2 days from the launch of the space object or the occurrence of events referred to in articles 40 or 41 hereof.
2. Any update or amendment to information included on the register shall also be notified by the operator to the SA, within 2 days from the occurrence of corresponding events.

Article 44

Other communications

1. The SA, through the Ministry of Foreign Affairs (MFA) shall notify the UN Secretary-General about all information required for the registration of space objects with the United Nations, in accordance with applicable international obligations.
2. The notification of the SA to the MFA relating to new registrations or the amendment of an existing record shall take place within 30 days from the inclusion of those elements on the national register of space objects.

SECTION II

Transfer of ownership of space objects

Article 45

Transfer

For the purposes of article 17 (1) of DLSA, the transfer of ownership of space objects between the owner registered in accordance with article 39 (1) (b) hereof and a new owner, the launch, return or command and control of which is carried out by licensed operators, shall be notified to the SA within a maximum of 30 days.

Article 46

Communication

For the purposes of the preceding article, the communication shall include the following information:

- a) Elements of identification of the transferee:
 - i) Full name or trading name;
 - ii) Address or registered office;
 - iii) Contact details (phone numbers and email address).
- b) Elements of identification of the operator, where the command and control operation of the space object has also been transferred and the transfer of the licence does not take place:
 - i) Full name;
 - ii) Address;
 - iii) Contact details (phone numbers and email address).

CHAPTER VI

Drafts and forms

Article 47

Drafts

For the proper implementation of this Regulation, the SA may approve the following drafts:

- a) Draft of licence;
- b) Draft of prequalification certificate.

Article 48

Forms

For the proper implementation of this regulation, the SA may approve forms, in particular those corresponding to application models for licences, qualification certificates, licence transfers and registration of space objects, made available at the platform referred to in article 3.

CHAPTER VI

Final provisions

Article 49

Publication

1. The SA publishes the following on its website:
 - a) List of entities holding prequalification certificates, with information on the scope of the document concerned in each case;
 - b) List of entities holding licences for the exercise of launch and/or return operations and command and control operations;
 - c) List of registered space objects;
 - d) List of terminated licences.
2. The SA also publishes on its website the National Register of Space Objects, without prejudice to legal provisions on the protection of personal data and of confidential data or commercially sensitive information.

Article 50

Deadlines

The calculation of deadlines provided for in this Regulation, shall be governed by the rules set out in Article 87 of the Code of Administrative Procedure.

Article 51

Transitional provision

Until the platform provided for in article 3 has been implemented, all communications, submission of or access to documents, particularly applications and drafts, certificates and notifications, all well as opinions provided for herein, shall take place through the alternative means made available by the SA.

Article 52

Revision

The SA shall assess the implementation of this regulation within at the most 2 years after the granting of the first licence or prequalification certificate, and then proceed, if necessary, with its revision.

Article 53

Coming into force

This regulation shall come into force on the day following that of its publication in the *Official Gazette*.

18 July 2019. - The Chairman of the Board of Directors, João Cadete de Matos.